

EXHIBIT 2

From: Esshaki, Gene J. <gjesshaki@abbottnicholson.com>
Sent: Wednesday, December 30, 2015 2:09 PM
To: Vicky Romanenko; Cherry, Steven
Cc: Donovan, David P; Carome, Patrick; Griffith, Dyanne; Chapin, Benjamin; gmantese@manteselaw.com; tbrowning@manteselaw.com; Alexander Blum (ablum@manteselaw.com) (ablum@manteselaw.com); Taylor Asen; Jon Cuneo; Joel Davidow; Evelyn Li; Ben Elga; dbarrett@barrettlawgroup.com; dmcmullan@barrettlawgroup.com; bherrington@barrettlawgroup.com; sraiter@larsonking.com; psand@larsonking.com
Subject: RE: In re: Auto. Parts Antitrust Litig., All Dealership Actions

I am not reopening this matter
The Order stands as written.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Vicky Romanenko <Vicky@cuneolaw.com>
Date: 12/30/2015 11:08 AM (GMT-08:00)
To: "Esshaki, Gene J." <gjesshaki@abbottnicholson.com>, "Cherry, Steven" <Steven.Cherry@wilmerhale.com>
Cc: "Donovan, David P" <David.Donovan@wilmerhale.com>, "Carome, Patrick" <Patrick.Carome@wilmerhale.com>, "Griffith, Dyanne" <Dyanne.Griffith@wilmerhale.com>, "Chapin, Benjamin" <Benjamin.Chapin@wilmerhale.com>, gmantese@manteselaw.com, tbrowning@manteselaw.com, "Alexander Blum (ablum@manteselaw.com) (ablum@manteselaw.com)" <ablum@manteselaw.com>, Taylor Asen <tasen@cuneolaw.com>, Jon Cuneo <JonC@cuneolaw.com>, Joel Davidow <Joel@cuneolaw.com>, Evelyn Li <evelyn@cuneolaw.com>, Ben Elga <belga@cuneolaw.com>, dbarrett@barrettlawgroup.com, dmcmullan@barrettlawgroup.com, bherrington@barrettlawgroup.com, sraiter@larsonking.com, psand@larsonking.com
Subject: RE: In re: Auto. Parts Antitrust Litig., All Dealership Actions

Your Honor,

Do we correctly understand that 11(d), mentioned by Mr. Cherry below, which is substantially similar to 11(c), and seeks "revenue, profit margins and profits" on insurance, warranties and aftermarket products is also properly removed from the notice?

In addition, as Mr. Cherry notes in his original email, Your Honor has denied subtopic 11(g), seeking information about "Your knowledge of similarities or differences between Your sales and leases and the sales and leasing behaviors of other automotive dealerships." This subtopic is similar to Defendants' Topics 7 and 8 which ask Dealership Plaintiffs to speculate about our competitors and the market, in general, and which Your Honor denied on that basis.

Topic 12(i), similarly to 11(g), seeks information about "Your knowledge of similarities and differences

between your sales and leasing pricing and that of other automotive dealerships.” Given that subsection 12(i) seeks substantially similar information to 11(g) and is objectionable, we believe that subsection 12(i) is appropriately denied on the same basis that Your Honor denied subsection 11(g), and Topics 7 and 8.

We appreciate Your Honor’s providing the parties with these clarifications, especially in light of the holidays.

From: Esshaki, Gene J. [mailto:gjesshaki@abbottnicholson.com]

Sent: Wednesday, December 30, 2015 1:58 PM

To: Cherry, Steven

Cc: Donovan, David P; Carome, Patrick; Griffith, Dyanne; Chapin, Benjamin; gmantese@manteselaw.com; tbrowning@manteselaw.com; Alexander Blum (ablum@manteselaw.com) (ablum@manteselaw.com); Taylor Asen; Jon Cuneo; Joel Davidow; Evelyn Li; Vicky Romanenko; Ben Elga; dbarrett@barrettllawgroup.com; dmcmullan@barrettllawgroup.com; bherrington@barrettllawgroup.com; sraiter@larsonking.com; psand@larsonking.com

Subject: RE: In re: Auto. Parts Antitrust Litig., All Dealership Actions

I have reviewed the Notice and the Order is correct as written. The revenue, profit margins and profits on vehicles are too far removed from the issues in the case to be relevant. Inspection fees and delivery charges are relevant.

From: Cherry, Steven [mailto:Steven.Cherry@wilmerhale.com]

Sent: Wednesday, December 30, 2015 1:43 PM

To: Esshaki, Gene J.

Cc: Donovan, David P; Carome, Patrick; Griffith, Dyanne; Chapin, Benjamin; gmantese@manteselaw.com<mailto:gmantese@manteselaw.com>; tbrowning@manteselaw.com<mailto:tbrowning@manteselaw.com>; Alexander Blum (ablum@manteselaw.com<mailto:ablum@manteselaw.com>) (ablum@manteselaw.com<mailto:ablum@manteselaw.com>); tasen@cuneolaw.com<mailto:tasen@cuneolaw.com>; jonc@cuneolaw.com<mailto:jonc@cuneolaw.com>; joel@cuneolaw.com<mailto:joel@cuneolaw.com>; evelyn@cuneolaw.com<mailto:evelyn@cuneolaw.com>; vicky@cuneolaw.com<mailto:vicky@cuneolaw.com>; Ben Elga (belga@cuneolaw.com<mailto:belga@cuneolaw.com>); dbarrett@barrettllawgroup.com<mailto:dbarrett@barrettllawgroup.com>; dmcmullan@barrettllawgroup.com<mailto:dmcmullan@barrettllawgroup.com>; bherrington@barrettllawgroup.com<mailto:bherrington@barrettllawgroup.com>; sraiter@larsonking.com<mailto:sraiter@larsonking.com>; psand@larsonking.com<mailto:psand@larsonking.com>

Subject: FW: In re: Auto. Parts Antitrust Litig., All Dealership Actions

Dear Special Master Esshaki,

Your order is attached. The text of Topic No. 11 is below:

11. Your sales and leases of new vehicles, including:

- (a) the person(s) and/or entities principally responsible for Your sales and leases (i.e., your sales managers);
- (b) the make, model, and year of new vehicles that You sold or leased and the time period during which You sold and leased them, to the extent not evidenced in the data or documents You produced;

(c) Your revenue, profit margins, and profit on new vehicles sold or leased (i.e., front end);

Note that Defendants agree to omit this topic if a Dealer Plaintiff represents in a verified interrogatory response at least seven days prior to the deposition that it does not know and cannot ascertain this information for any time periods during the alleged class period for which it has not produced DMS data.

(d) Your revenue, profit margins, and profits on financing, insurance, and warranty plans, and aftermarket products and services sold or offered in connection with the sale or lease of new vehicles (i.e., back-end);

Note that Defendants agree to omit this topic if a Dealer Plaintiff represents in a verified interrogatory response at least seven days prior to the deposition that it does not know and cannot ascertain this information for any time periods during the alleged class period for which it has not produced DMS data,.

(e) Your costs associated with selling or leasing new vehicles, such as overhead, inspection fees, and delivery charges;

(f) The process and terms with respect to Your sales or transfers of vehicles between Your company and any other automotive dealership; and

(g) Your knowledge of similarities or differences between Your sales and leases and the sales and leasing behaviors of other automotive dealerships.

Regards,

Steve Cherry

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From: Cherry, Steven
Sent: Wednesday, December 30, 2015 1:10 PM
To: Esshaki, Gene J.; Ciolino Dawn L.
Cc: Donovan, David P; Carome, Patrick; Griffith, Dyanne; Chapin, Benjamin;
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Subject: In re: Auto. Parts Antitrust Litig., All Dealership Actions

Dear Special Master Esshaki,

In reviewing yesterday's Order Granting in Part and Denying in Part Plaintiffs' Motion for Protective Order, Defendants are wondering whether there might be a typographical or clerical error with regard to your ruling on Topic 11. Specifically, the Order states that "Subsections 11(c) and (g) are DENIED." Defendants suspect, however, that you may really have meant to deny "Subsections 11(e) and (g)" rather than "11(c) and (g)".

The reason we suspect a typographical error is that Subsection 11(c) – "Your revenue, profit margins, and profit on new vehicles sold or leased (i.e., front end)" – which your Order says was denied, is very similar to Subsection 11(d) – "Your revenue, profit margins, and profits on financing, insurance, and warranty plans, and aftermarket products and services sold or offered in connection with the sale or lease of new vehicles (i.e., back-end)" – which your Order says was allowed. For that reason, and because the letters "c" and "e" might easily be mistaken for one another, we suspect that your reference to "11(c)" may actually have been intended to reference "11(e)", which was "Your costs associated with selling or leasing new vehicles, such as overhead, inspection fees, and delivery charges."

Defendants respectfully request that you advise the parties as soon as possible whether our suspicion of a possible clerical or typographical error is warranted.

Regards,

Steve Cherry

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